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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,265	04/13/2004	Tomonori Tsukageshi	09792909-5865	5347

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EXAMINER

CHIEN, LUCY P

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/823,265	Applicant(s) TSUKAGOSHI ET AL. (PM)	
	Examiner Lucy P. Chien	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-19 and 22-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to **claim 20,21** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al (US 20020018162).

Suzuki et al discloses (Figure 20, shows the overall configuration of a projection type liquid crystal display apparatus according the same embodiment as Figure 21,22) a light source (211,211a) a liquid crystal display device having a microlens array (Figure 22, 242) provided on a luminous flux incidence side (Figure 22, where L1 is located is the incidence side), as a spatial light modulator. An illuminating optical system (Figure 20, 212,213,) for guiding a luminous flux emitted from a light source to the liquid crystal display device and thus illuminating the liquid crystal display device, and an image-forming lens (Figure 20, 226) for forming an image of the liquid crystal display device. the liquid crystal display device comprising an optical compensation layer (Figure 21, 233,234) made of an uniaxial crystal which is an inorganic material (Page 20, [0227]) and having an optical axis inclined with respect to a liquid crystal panel surface (Page 20, [0227]), at least on one of a luminous flux incidence side (Figure 22, where L1 is

Art Unit: 2871

located is the incidence side) and a luminous flux emission side of the liquid crystal panel (Figure 22, where 1b is located is the emission side).

Also when refractive index anisotropy of the inorganic material forming the optical compensation layer of the liquid crystal display device and refractive index of a liquid crystal layer of the liquid crystal panel have **different sign**, the optical axis of the optical compensation layer and the optical axis of the liquid crystal layer are inclined in the **same directions** with respect to the liquid crystal panel surface (Page 17 &18, [0206]).

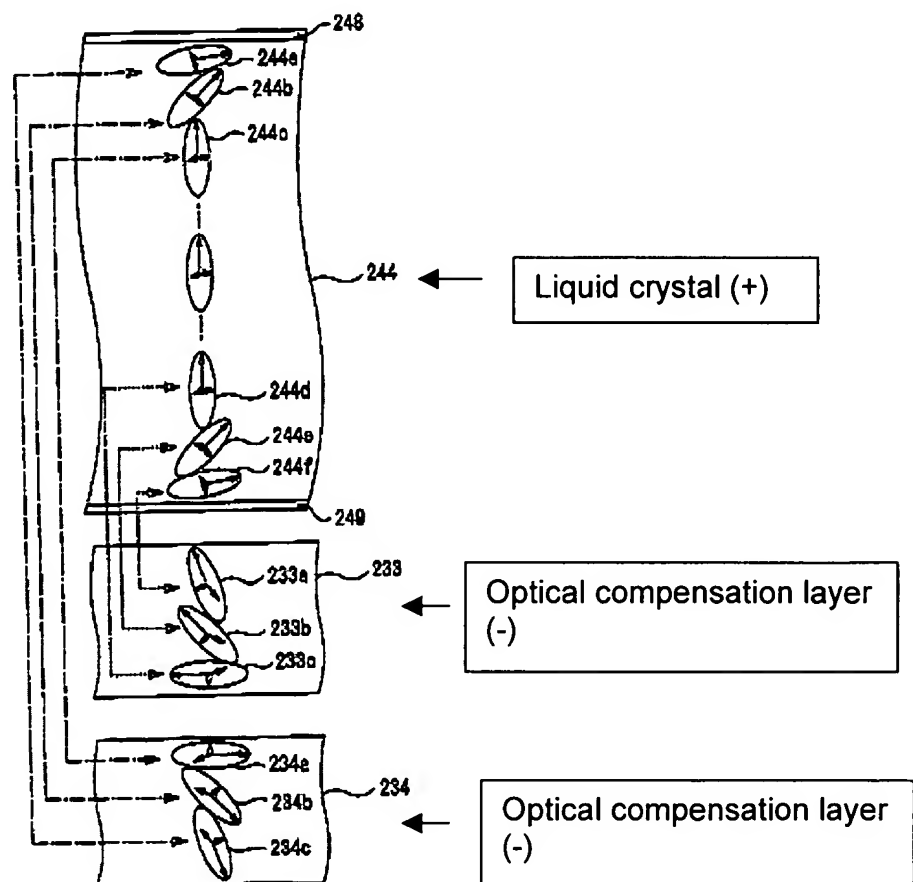


FIG. 26

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 20 is rejected under 35 U.S.C. 103(a) as being obvious over Suzuki et al (US 20020018162) in view of van de Witte (article)

Suzuki et al discloses everything disclosed above.

Suzuki et al does not disclose when refractive index anisotropy of the inorganic material forming the optical compensation layer of the liquid crystal display device and refractive index of a liquid crystal layer of the liquid crystal panel have the **same sign**, the optical axis of the optical compensation layer and the optical axis of the liquid crystal layer are inclined in **different directions** with respect to the liquid crystal panel surface.

Witte discloses when refractive index anisotropy of the inorganic material forming the optical compensation layer of the liquid crystal (TN which is has positive birefringence) display device and refractive index of a liquid crystal layer of the liquid crystal panel have the **same sign**, the optical axis of the optical compensation layer and the optical axis of the liquid crystal layer are inclined in **different directions** with respect to the liquid crystal panel surface (underlined under 2. PRINCIPLE) to enhance performance at oblique viewing angles (Abstract).

Art Unit: 2871

It would have been obvious to one of ordinary skilled in the art to modify Suzuki et al to include Witte's display motivated by the desire to enhance performance at oblique viewing angles (Witte, Abstract).

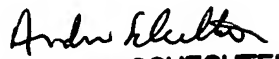
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lucy P. Chien whose telephone number is 571-272-8579. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (571)272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lucy Chien
Examiner
Art Unit 2871
LC


ANDREW SCHECHTER
PRIMARY EXAMINER